IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

Writ Petition No. 13034 of 2005

Between:

Gorige Pitchaiah, S/o. Venkataiah, aged 45 years,
S.C., R/o. T. Konda Reddy Pally Grampanchayath,

Vari Kunta Padu Mandal, Nellore District.

..... PETITIONER

AND

1. The District Collector, Nellore, (Under Panchayat Raj Dept)
   Nellore, Nellore District.
2. The Election Officer, for the Election of Sarpanch of

T. Konda Reddy Palli Grama Panchayat,
Vasikuntapadu Mandal-cum-A.E., RWS (Panchayat Raj),
Vari Kuntapadu Mandal, Nellore District, A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction, more particularly one in the nature of Writ of Mandamus to declare the action of the Respondents in issuing Election Notification dated 13-6-2005 for the Election of Sarpanch of T. Konda Reddy Palli Grama Panchayath, Varikuntapadu Mandal, Nellore District, as illegal arbitrary and violation of principles of natural justice and violation of Articles of 14, 19, 21, 300 of the Condition of India and violation of principles and rules of A.P. Panchayat Act and set aside the Election Notification dated 13-6-2005 issued by the 2nd Respondent.

Counsel for the Petitioner: MR.K.NAGESWARA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

O R D E R :

This writ petition is filed by the petitioner seeking to declare the action of the respondents in issuing Election Notification dated 13.06.2005 for the election of Sarpanch of T.Kondaredy Palli Gram Panchayat, Varikuntapadu Mandal, Nellore district, as illegal and arbitrary and to set aside the same.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

The main grievance of the petitioner is that his name was deleted from the electoral rolls of the Gram Panchayath, T.Kondareddypalli village, with a *mala fide* intention to prevent him to contest the post of Sarpanch, which vacancy arose due to the death of the Sarpanch on 28.03.2005, two days before the date of issuance of election notification, dated 13.06.2005, fixing the schedule as 13.06.2005 to 17.06.2005 for filing nominations, for withdrawal of nominations before 21.06.2005 and polling shall be on 28.06.2005.

It is well settled principle of Law that once election notification is issued fixing the schedule of the election, the question of interfering with the election notification does not arise. If the petitioner is aggrieved, he can agitate his grievance before the Election Tribunal. Accordingly, I do not find any reason to interfere with the election

notification and thus, this writ petition fails and is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

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ELIPE DHARMA RAO, J.

Dated: 17th June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Nellore, (Under Panchayat Raj Dept)
   Nellore, Nellore District.
2. The Election Officer, for the Election of Sarpanch of

T. Konda Reddy Palli Grama Panchayat,

Vasikuntapadu Mandal-cum-A.E., RWS (Panchayat Raj),
Vari Kuntapadu Mandal, Nellore District, A.P.

3. Two C.Cs. to the Government Pleader For Panchayat Raj &

Rural Development, High Court Buildings, Hyderabad.

(O.U.T.)

4. 2 C.D. copies.

*Form-NIC-OGS/WP{**RLD**}*